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April 20, 2015

VIA ECF

Honorable Loretta A. Preska, Chief U.S.D.J.
United States District Court
Southern District of New York
500 Pearl Street, Room 2220
New York, New York 10007-1312

Re: *KLX Inc. v. Nissen, et al.*, 7:15 Civ. 2782 (LAP)(JCM)

Dear Judge Preska:

We represent Plaintiff KLX Inc. ("Plaintiff" or "KLX") in the above-caption matter and submit this letter jointly with counsel for Defendants David Nissen and Joan Nissen (collectively, "Defendants") to propose a schedule with respect to Plaintiff's Motion for a Preliminary Injunction and to respectfully request that the Court enter the proposed Stipulated Confidentiality and Protective Order, which is enclosed herewith.

I. Background

On April 9, 2015, Plaintiff filed this diversity action against Defendants for Misappropriation of Trade Secrets, Breach of Contract, Breach of Duty of Loyalty, and Permanent Injunction. On April 10, 2015, the Parties appeared before the Honorable Kenneth M. Karas, U.S.D.J., in connection with Plaintiff's Order to Show Cause for a Preliminary Injunction and Temporary Restraining Order (the "TRO Hearing"). Judge Karas granted Plaintiff's application for a Temporary Restraining Order, as modified, until a hearing on Plaintiff's Motion for a Preliminary Injunction can be held and ordered a briefing schedule for Plaintiff's Motion for a Preliminary Injunction. *See* Dkt. No. 5. Moreover, at the TRO Hearing, the Court directed the parties to confer on: (a) date(s) for a hearing on Plaintiff's Motion for a Preliminary Injunction (the "Preliminary Injunction Hearing"); and (b) the length of the Preliminary Injunction Hearing.

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II. The Parties' Proposal

In accordance with Judge Karas' instructions, the parties conferred on the length and date of the Preliminary Injunction Hearing and agreed on a proposed schedule, which, as set forth below, includes a request for brief extensions of three (3) due dates. The reason for this request is that the parties have set a schedule for the exchange of informal discovery to determine whether resolution is possible without the need for the Preliminary Injunction Hearing. This is the parties' first request for an extension of these dates. Accordingly, the parties respectfully request that the Court so-order the following proposed schedule with respect to Plaintiff's Motion for a Preliminary Injunction:

- The Preliminary Injunction Hearing shall be held on May 18, 2015. The parties estimate the Preliminary Injunction Hearing will last no more than two (2) days;
- Defendants' Response to Plaintiff's Motion for Preliminary Injunction shall be due on or before May 8, 2015 (extended from the current due date of April 24, 2015);
- Plaintiff's reply will be due on or before May 15, 2015 (extended from the current due date of May 1, 2015);
- The parties stipulate that the TRO shall stay in effect until the Court has ruled on Plaintiff's Motion for Preliminary Injunction;
- Defendants shall have until on or before May 25, 2015 to answer, move or otherwise respond to Plaintiff's Complaint (extended from the current date of April 30, 2015).

We are at the Court's disposal should it have any questions or concerns.

Respectfully submitted,



Scott M. Kessler

Enclosures

cc: Norman R. Cerrulo, Esq.
Michael Marsh, Esq.
Christopher Lepore, Esq.